

**REMARKS**

Claims 1, 3, 4, 7 and 8 are all the claims pending in the application. Claims 2, 5, 6, 9 and 10 have been canceled without prejudice or disclaimer. Claims 11-16 have been newly added.

**Claim Rejections**

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kwon (U.S. Patent No. 6,481,235) in view of Zimmerman (U.S. Design Patent No. D496,374). 2, 5, 6, 9 and 10 have been canceled, rendering their rejection moot. Applicants respectfully traverse the rejection with respect to the remaining claims.

The subject matter of claim 2 has been incorporated into claim 1, so that claim 1 now sets forth cube compartments arranged at an angle of about 40° ~ 50° with respect to the lengthwise direction of the ice cube tray. With reference to a non-limiting embodiment of the specification, the subject application teaches that when the cube compartments are so inclined, that ice is easily released from the ice cube tray and the ice is minimally cracked or broken while being released (*see* paragraph bridging pages 8 and 9). If the angle is too low, the ice is prevented from being cracked, but is not easily released from the tray. Conversely, if the angle is too large, the ice is easily released, but it is more susceptible to cracking and breaking (*see* first full paragraph on page 9).

The Examiner fails to address the inclination angle of the claimed invention. Kwon does not teach cube compartments that are diagonally arranged at all, and certainly does not teach the claimed angle. While Zimmerman teaches diagonal cube compartments, they also do not meet the claimed cube compartments. Drawings and pictures can anticipate claims only if they clearly

show the structure which is claimed. Additionally, when a reference does not disclose that drawings are to scale, arguments based on measurements of the drawing features of little value (*see* MPEP 2125). In this case, Zimmerman does not indicate that the drawings are to scale. Therefore, the proportions of the Zimmerman drawings are of little value and do not teach the angle set forth in claim 1. Zimmerman is a design patent, so there is no description that adds any meaning or relevance to the drawings. In view of the above, claim 1 is allowable at least because the combination of Kwon and Zimmerman fails to teach or suggest every element claimed.

Claims 3, 4, 7 and 8 depend from claim 1 and are therefore allowable at least because of their dependency.

#### **New Claims**

Claims 11-16 have been newly added in order to provide a more varied scope of protection consistent with the disclosure. Claim 11 sets forth an ice cube tray with two rows of cube compartments and that the cube compartments of a first row have a longitudinal direction substantially parallel to the longitudinal direction of the cube compartments of the second row. Claim 11 is allowable at least because the cited references do not teach or suggest rows of cube compartments arranged as claimed. Claims 12-16 depend from claim 11 and are therefore allowable at least because of their dependency. Claim 12 is further allowable at least for reasons similar to those set forth with regards to claim 1.

#### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

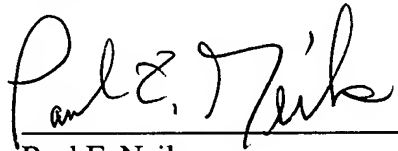
AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 10/821,168.

Q80861

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul F. Neils", written over a horizontal line.

Paul F. Neils  
Registration No. 33,102

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: September 6, 2005